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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Final report on the situation of human rights in Afghanistan submitted by Mr. Choong-Hyun Paik, Special Rapporteur, in accordance with Commission on Human Rights resolution 1996/75

CONTENTS

	Paragraphs	Page
Introduction	1 - 11	3
I. OUTLINE OF EVENTS RELATING TO THE POLITICAL SITUATION IN AFGHANISTAN SINCE THE SUBMISSION OF THE PREVIOUS REPORT	12 - 20	5
II. GENERAL OBSERVATIONS CONCERNING THE HUMAN RIGHTS SITUATION IN AFGHANISTAN	21 - 27	6
A. Applicable instruments	23	7
B. Relevance of recent political developments	24 - 27	7
III. THE RULE OF LAW AND THE ADMINISTRATION OF JUSTICE	28 - 36	8
IV. SPECIFIC HUMAN RIGHTS PROBLEMS IN AFGHANISTAN	37 - 93	11
A. Civil and political rights	37 - 38	11
B. The right to life and physical integrity	39 - 48	12
C. The right to liberty and security of the person	49 - 55	14

GE.97-10581 (E)

CONTENTS (continued)

		Paragraphs	Page
	D. Kidnapping and disappearances	56 - 57	15
	E. Other civil and political rights	58 - 67	16
	F. Economic and social rights	68 - 91	17
	G. Self-determination	92 - 93	23
V.	SITUATION OF INTERNALLY DISPLACED PERSONS AND REFUGEES	94 - 98	23
VI.	HUMANITARIAN CONCERNS	99 - 104	24
	A. Mines	101	25
	B. Health care	102 - 103	25
	C. Opium production	104	26
VII.	CONCLUDING OBSERVATIONS	105 - 117	26
VIII.	RECOMMENDATIONS	118 - 132	28

Appendices

Appendix I	32
Appendix II	33
Appendix III	34

Introduction

1. A special rapporteur was first appointed to examine the human rights situation in Afghanistan in 1984 by the Chairman of the Commission on Human Rights, who had been requested to do so by the Economic and Social Council in its resolution 1984/37 of 24 May 1984. Since then, the mandate has been renewed regularly by resolutions of the Commission, endorsed by the Economic and Social Council, in which the Special Rapporteur was requested to submit reports to the Commission and to the General Assembly. The former are contained in documents E/CN.4/1985/21, E/CN.4/1986/24, E/CN.4/1987/22, E/CN.4/1988/25, E/CN.4/1989/24, E/CN.4/1990/25, E/CN.4/1991/31, E/CN.4/1992/33, E/CN.4/1993/42, E/CN.4/1994/53, E/CN.4/1995/64 and E/CN.4/1996/64 and the latter in the annexes to documents A/40/843, A/41/778, A/42/667 and Corr.1, A/43/742, A/44/669, A/45/664, A/46/606, A/47/656, A/48/584, A/49/650, A/50/567 and A/51/481. The new Special Rapporteur on the situation of human rights in Afghanistan, Mr. Choong-Hyun Paik, was appointed in April 1995.

2. At its fifty-second session, the Commission on Human Rights decided, in its resolution 1996/75 of 23 April 1996, to extend the mandate of the Special Rapporteur for one year, an extension which was approved by the Economic and Social Council in its decision 1996/280 of 24 July 1996.

3. At its fifty-first session, after considering the report submitted to it by the Special Rapporteur, the General Assembly, in its resolution 51/108, decided to keep the situation of human rights in Afghanistan under consideration at its fifty-second session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

4. Subsequent to the renewal of the mandate by the Commission on Human Rights at its fifty-second session, and in accordance with past practice, the Special Rapporteur briefly visited the area in order to obtain a preliminary impression. He visited Pakistan, Afghanistan and the Islamic Republic of Iran from 14 to 29 July 1996. In September 1996, the Special Rapporteur met with officials of the United Nations Educational, Scientific and Cultural Organization (UNESCO). He presented an interim report to the General Assembly (A/51/481) which should be read in conjunction with the present report.

5. Prior to finalizing the present report and in order to gain comprehensive insight into the situation covered by his mandate, the Special Rapporteur visited Islamabad and Peshawar in Pakistan on 6, 7, 13 and 14 January and Kabul, Mazar-i-Sharif, Kandahar and Herat in Afghanistan from 7 to 13 January 1997.

6. In Afghanistan, the Special Rapporteur met in Kabul with the Deputy Minister for Foreign Affairs of the Taliban authorities, with the head of the Kabul shura (council) and with the Attorney-General. He also visited an orphanage and the Malalai Maternity Hospital. In Mazar-i-Sharif, the Special Rapporteur met with Gen. Abdul Malik, the deputy of Gen. Dostom, with a large gathering of lawyers and representatives of the judicial system, with the commander of the police garrison of Balkh province, the head of the Cultural

Affairs Department of Balkh province and with the director of the Refugee Affairs Department of the Northern Areas. He also met with a group of prominent women comprising a community forum and with the coordinator and members of the NATURE and Rescue Mission environmental projects. In addition, the Special Rapporteur visited a number of historic sites in Balkh province. In Kandahar he met with the governor and member of the Taliban Supreme Council, with the deputy head of the Education Department, with the chancellor of the Kandahar Medical College and with the deputy head of the Foreign Affairs Department. The Special Rapporteur visited the central prison, the Mirwais hospital and a mother-and-child clinic and held talks with the regional director for health. He exchanged views with the chairman of the Council of Islamic Scholars (shura of ulema). In Herat, the Special Rapporteur met with the governor and members of the Herat shura and exchanged views with representatives of the judicial system. He also visited the Shahidahi camp for internally displaced persons, an orphanage and the regional public hospital. In all the cities which he visited in Afghanistan, the Special Rapporteur met with representatives of United Nations agencies, national and international humanitarian and non-governmental organizations as well as with private individuals.

7. In Pakistan, the Special Rapporteur met in Islamabad with the director general, Afghanistan Desk, at the Ministry for Foreign Affairs, with the chief commissioner for Afghan refugees and with a number of prominent Afghan personalities. In Peshawar, he met with the additional commissioner at the Office of the Regional Commissioner for Afghan Refugees of the North West Frontier Province and visited the Mother and Child Health Care Centre established by Mrs. Fatana Gailani. In both Islamabad and Peshawar, the Special Rapporteur met with representatives of United Nations agencies, national and international humanitarian and non-governmental organizations as well as with private individuals.

8. The Special Rapporteur wishes to express his sincere appreciation to the governmental authorities of Afghanistan and Pakistan for having extended their full cooperation during the course of the mission. He also wishes to thank the provincial authorities in Kabul, Mazar-i-Sharif, Kandahar and Herat for the valuable assistance accorded to him when he visited those areas.

9. The Special Rapporteur wishes to thank the United Nations Office for the Coordination of Humanitarian Assistance to Afghanistan (UNOCHA) for the most efficient logistical support and kind assistance extended to him in the field.

10. The Special Rapporteur also wishes to express his sincere gratitude to the United Nations Development Programme (UNDP), the United Nations Special Mission to Afghanistan (UNSMA) as well as to the team leaders from the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP) and the United Nations Office for Project Services for the kind and efficient assistance extended to him in the four cities of Afghanistan which he visited during his mission.

11. The Special Rapporteur has the honour to submit his report to the Commission on Human Rights, which was finalized on 7 February 1997, in compliance with Commission on Human Rights resolution 1996/75. It updates his interim report to the General Assembly (A/51/481).

I. OUTLINE OF EVENTS RELATING TO THE POLITICAL SITUATION IN AFGHANISTAN SINCE THE SUBMISSION OF THE PREVIOUS REPORT

12. Important and far-reaching developments have taken place in Afghanistan since September 1996. A brief outline of the political situation and of the situation affecting the civilian population in that country from April until the end of September 1996 is provided in paragraphs 54 to 63 of the Special Rapporteur's report to the General Assembly.

13. The six-member Afghan interim commission in Kabul headed by Mullah Mohammad Rabbani announced that the new Taliban government would be neither parliamentary nor presidential, but Islamic. A caretaker government would precede the establishment of a representative government to be elected by the Afghan people. The Taliban authorities continued to rule by decree (see appendices I, II and III). They indicated that Islamic law would be strictly enforced. All important decisions concerning areas under the control of the Taliban continued to be made by their Supreme Council in Kandahar and its head, Mullah Mohammad Omar. The Amri Bel Maroof Wa Nai Az Munkar, i.e. "Department for enforcement of right Islamic way and prevention of evils" (religious police), reported to be directly accountable to Mullah Omar, was established and allegedly empowered to mete out summary justice.

14. On 14 October 1996, the former President of Afghanistan, Mr. Burhanuddin Rabbani, commander Ahmad Shah Massoud and Mr. Karim Khalili, the leader of the Hezbe Wahadat political party composed principally of Afghan Shia Muslims, established together with General Dostom the Supreme Council for the Defence of Afghanistan which is headed by General Dostom. The Taliban Information Minister stated that the ulema (religious scholars) had declared a jihad against the forces of this alliance.

Developments on the battlefield

15. After capturing Kabul, the Taliban launched an offensive in October against the forces of former President Rabbani and advanced to the entrance of the Panjshir valley and of the Salang tunnel controlled by General Dostom. The Taliban offensive was halted in October when former government troops started advancing towards Kabul, which underwent aerial bombardment, re-took Bagram airbase, and pushed the front line to some 40 km north of the city. The Taliban bombed a village to the north of Kabul and burned almost all the houses in Sar Chesma village north of the city which was populated mainly by persons of Tajik ethnic origin.

16. The Taliban opened a second front on 25 October against the forces of General Dostom when they advanced towards Badghis province in the north-western part of the country and intensive fighting continued in November. Attacks were launched against the Taliban in the Nangarhar and Kunar provinces which remained under Taliban control. In December, fighting on the front line north of Kabul moved towards the Bagram airbase some 50 km away. Fighting was also reported in Parwan and Laghman provinces.

17. At the end of January, the Taliban recaptured Bagram airbase and the towns of Charikar, Jabul Saraj and Gulbahar. Hundreds of casualties were reported on both sides. On 25 January 1997, the forces of the alliance

opposing the Taliban blew up a section of the Salang highway in order to halt them and Commander Massoud moved his headquarters from the Panjshir further back to the Andarab valley in Baghlan province. At the beginning of February, Taliban forces were advancing northwards towards Bamyan province which is under the control of the Hezbe Wahadat party. The new front line is now roughly 100 km from Kabul, at the entrance to the Panjshir valley and some 10 km from the Salang tunnel. Heavy fighting continued between the Taliban and General Dostom's forces in Badghis and with the Hezbe Wahadat forces in Wardak province.

18. Currently, the Taliban movement controls roughly three quarters of the country while the remainder (mostly in the north) is controlled by the members of the alliance comprising the Supreme Council for the Defence of Afghanistan.

Action by the United Nations

19. The United Nations renewed its efforts to start a dialogue between the warring Afghan factions that would be conducive to a cease-fire and a lasting negotiated political settlement of the conflict through Mr. Norbert Holl, the head of UNSMA, who resumed discussions with all parties and travelled to Kabul, Mazar-i-Sharif, Kunduz, Bamyan and Kandahar until the end of the year. Representatives of the warring factions met on 8 November 1996 in Islamabad. There appeared to be a degree of agreement with regard to a cease-fire and an exchange of prisoners but important differences remained. A technical working group of representatives of both sides met under United Nations auspices in January. No cease-fire agreement has been concluded to date.

20. On 11 October, the United Nations Credentials Committee deferred its decision on Afghanistan when the Taliban requested the seat held in the General Assembly by the Government of former President Rabbani. On 22 October, the United Nations Security Council adopted resolution 1076 (1996) on Afghanistan in which it called upon all Afghan parties immediately to cease all armed hostilities, to renounce the use of force, put aside their differences and to engage in a political dialogue aimed at achieving national reconciliation and a lasting political settlement of the conflict and establishing a fully representative and broad-based transitional government of national unity. It denounced the discrimination against girls and women and other violations of human rights and international humanitarian law in Afghanistan. On 18 November, the Secretary-General convened in New York a meeting on Afghanistan attended by representatives of 19 concerned countries including the permanent members of the Security Council aimed at establishing a negotiating process conducive to national reconciliation in Afghanistan. All the participants agreed that there could be no military solution to the conflict.

II. GENERAL OBSERVATIONS CONCERNING THE HUMAN RIGHTS SITUATION IN AFGHANISTAN

21. Afghanistan continues not to have a legitimate, effective and functioning central government; a functioning independent, impartial and unified judicial system; a constitution; institutions of civil society; rule of law; accountability for human rights violations and mechanisms to provide redress to the victims. The country is in a state of civil war. Local, especially

tribal customs appear to prevail and the movement which controls the greater part of the territory does not appear to see itself bound by international standards of human rights to which Afghanistan is a party. The enjoyment of a number of fundamental human rights and freedoms is severely curtailed throughout the country.

22. The economy is virtually non-existent and unemployment has been rising steadily. The predominant economic activity is agriculture, with a very large portion of the territory under opium poppy. Inflation has been soaring, reportedly reaching 560 per cent in the north of the country. Almost half of Afghanistan's housing stock has been damaged or destroyed as has the economic infrastructure. The economic and social crises both appear to be deepening.

A. Applicable instruments

23. Afghanistan is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Convention on the Prevention and Punishment of the Crime of Genocide. In addition, Afghanistan has signed the Convention on the Elimination of All Forms of Discrimination against Women.

B. Relevance of recent political developments

24. In his report to the General Assembly, the Special Rapporteur voiced his concerns regarding the situation of human rights in Afghanistan in paragraphs 64 to 76. During his recent visit to the area, the Special Rapporteur sought to assess the situation of human rights in Afghanistan on the basis of discussions with a broad spectrum of both Afghan and international interlocutors. Three out of the four cities which he visited were under the control of the Taliban movement; the other was under the control of General Dostom. This was the first time that the Special Rapporteur had visited Kabul since the arrival of the Taliban. Some of the practices which they had previously implemented in Kandahar and Herat since 1994 and 1995, respectively, came to the fore to a much greater extent. The Special Rapporteur noted that the atmosphere in Kabul had changed; it had become more subdued and there was a certain listlessness and lack of animation, unusual for this formerly bustling city. The other three cities he visited appeared to be more animated. However, the relatively animated streets in Herat did not at all correspond to the mood of the inhabitants with whom the Special Rapporteur had the opportunity to speak. A general feeling of hopelessness, despondency and fear appeared to characterize in particular the inhabitants of Kabul and Herat. In Herat, the Special Rapporteur was told by a number of interlocutors that the population perceived the rule by the Taliban as a form of occupation. United Nations bodies dealing with human rights have expressed the view that occupation in itself constitutes a violation of human rights. The situation of human rights does not, of course, concern only city dwellers. The rural population, especially in and around the areas of the two principal front lines, has experienced numerous and severe hardships as a result of the fighting which were often compounded by inclement weather. On the basis of observations and discussions as well as the written material received prior to and during the visit, it would appear

that the situation of human rights in Afghanistan has deteriorated to a certain extent in some parts of the country since the Special Rapporteur's previous visit in July 1996.

25. The degree of enjoyment of both civil and political as well as economic, social and cultural rights has altered significantly among the various segments of the Afghan population; gender and ethnic origin have become important determining factors regarding the degree of enjoyment of human rights in certain parts of the country. The increasingly ethnic nature of the conflict shows a polarization between Pashtoons and non-Pashtoons (Tajik, Uzbek, Hazara, Panjshiris, Turkmens). There also appears to be a division between the educated urban and relatively uneducated rural segments of the population.

26. The Special Rapporteur already mentioned a number of decrees issued by the Taliban authorities when they took over Kabul, banning, inter alia, music, television, cinemas, chess and kite-flying. Women were discouraged from leaving their homes and were prohibited from going to work and receiving education. Outside their homes, women were obliged to wear veils covering them from head to toe, including the face, and were to be accompanied by a legally recognized close male relative. Clean-shaven men were given six weeks to grow beards. These repressive measures, at times enforced harshly by Taliban forces and in particular by the representatives of the department of religious police, have had a considerable negative impact on the lives of the population, in particular women.

27. During the period under review, it is reported that citizens were expected to attend prayers in mosques five times a day and efforts to force the residents of Kabul off the streets and from vehicles into mosques, especially for Friday prayers, were intensified in November. The use of paper bags was banned in December for fear that Arabic script, which is also used in the Koran, might be written on them and that they might be thrown away which would constitute an insult to Islam. Television broadcasts from Iran and Iranian products were prohibited in Herat and houses were searched for such products. Civilians fleeing Qarabagh district north of Kabul were searched at checkpoints by the Taliban forces for music cassettes which were subsequently destroyed as un-Islamic. In December, women were warned to observe the veil more strictly and 225 women were reportedly beaten behind the closed gates of the presidential palace compound in Kabul while their husbands and relatives waited outside. A number of civil servants were fired for not having beards. Women's bathhouses (hammams) were closed. Restrictions were placed on the medical treatment of women (see appendix II) and it was announced that only fully covered women would be allowed to shop in the marketplace. In December, however, the leader of the Taliban, Mullah Omar, called for a more lenient enforcement of the decrees.

III. THE RULE OF LAW AND THE ADMINISTRATION OF JUSTICE

28. The Taliban authorities' central decision-making body is the Supreme Council in Kandahar headed by the movement's leader, Mullah Mohammad Omar. Power at the provincial level is exercised by councils and governors. Departments of a number of ministries exist in each province but the implementation of policies is generally characterized by inconsistency since

there is no efficient administrative structure. In the northern part of the country, control is effectively exercised by the Central Military Council chaired by General Dostom, the leader of the National Islamic Movement of Afghanistan. Departments of a number of ministries function as well. One cannot conclude, however, that the rule of law prevails in Afghanistan.

29. The polarization between the two opposing groups that control the country, although Islamic, results in differences in the administration of justice. Islamic law (Shariah) is officially applied by all, with varying degrees of strictness. In general, Islamic law is applied very strictly and according to an idiosyncratic interpretation in the parts of Afghanistan under the control of the Taliban movement. The Special Rapporteur was informed that religious courts and tribunals which applied Islamic principles existed in all districts and provinces. He was told that people now had fewer problems since they knew that they could address themselves to an Islamic court where their problems would be solved in accordance with Islamic rules and principles. However, the Special Rapporteur was informed by a Sunni Islamic scholar that the Taliban's interpretation of the Koran was not correct and that many of the rules they applied had nothing to do with Islam but were in fact reflections of local interpretations and tribal customs.

30. The Acting Deputy Minister for Foreign Affairs of the Taliban told the Special Rapporteur that the movement had been created with the aim of bringing peace and security to the country, establishing a central Islamic government, forming a neutral army and collecting arms from irresponsible people so that all could live happily. He added, however, that the disarmed people were forced to obey the government. The Acting Minister informed the Special Rapporteur that Islam was a religion which always respected human rights, even those of non-Muslims living in an Islamic society.

31. During his visit to Kabul, the Special Rapporteur asked the Attorney-General of the Taliban authorities how they intended to deal with obligations stemming from international human rights treaties. He indicated that if a promise, convention, treaty or other instrument, even if it was in the Charter of the United Nations, was contrary to Shariah, they would not fulfil it or act on it. If the Charter were to proscribe executing a murderer, which the Shariah allowed, "We accept Shariah, our God's convention". The Attorney-General added that, "If someone is drinking in public, even if the Covenant or the United Nations Charter says they should not be punished, we will. The core of our action and our policy is the law of God, as contained in the Koran. We do not follow individuals, or people or other countries. We follow the law of God. We adhere strictly tc what the Koran is telling us. Therefore, we invite all people in the world to follow the Koran. Any laws that negate the Koran or the law of God, we don't accept that." He explained that the organizational structure of the Taliban government was essentially based on the heavenly and divine sayings of Allah and that the whole system was based on these principles. As concerns the judicial system, he indicated that criminal cases were first referred to the department of police for investigation and subsequently to the Attorney-General's office, who then presented cases to the courts, with the Supreme Court being the court of final instance. Each province had an

attorney's office and when the investigation of a case had been completed at the provincial level, it was referred to the central attorney's office who brought it before the courts.

32. The Attorney-General informed the Special Rapporteur that in view of the prevailing security and peace, the crime rate had decreased to the extent that virtually no crimes were being committed. He indicated, however, that laws and regulations existed for every type of crime occurring in society on the basis of the Koran, of what had been said by the Prophet Mohammed, and what had been said by the most prominent Hannafi Sunni religious scholars. The Attorney-General indicated that these laws and regulations were heavenly and such that they would be valid until the end of the world. He added that even the Charter of the United Nations was based in many cases on the divine sayings of the Koran which contained a complete set of human rights. He indicated that the Taliban respected the rights of people especially when they were in accordance with the law of God, with the Koran.

33. The governor of Kabul informed the Special Rapporteur that the regime prevailing in the country ought to be based on the Taliban's interpretation of the Koran. Amputations and stonings were compatible with the Shariah, the law of God, and would continue to be applied in the future since they created positive effects for the preservation of security and peace in society. This method was used to protect the majority of the population and its soundness had been proven by the virtually non-existent crime rate. The governor indicated, however, that although the authorities were willing to accept human rights conventions, the concept and meaning of human rights were totally dependent on God's will. He indicated that the provisions of international human rights instruments could not be applied if they conflicted with God's law. The governor explained that the domestic interpretation of human rights was not based on individual rights.

34. When he met with a representative of the judicial system in Herat, the Special Rapporteur mentioned the summary administration of justice implemented by individual Taliban and in particular the repressive practices of representatives of the religious police department who appeared to be above the law. He was informed that these persons worked directly under the instructions of the Taliban leader, Mullah Omar, and could impose rules to be obeyed even by the local Taliban authorities.

35. During his meeting with the representatives of the judicial system in Mazar-i-Sharif, the Special Rapporteur asked what the procedure was regarding the protection of human rights when a person sought remedy for violations. He was informed that the matter would be investigated and dealt with in accordance with Shariah. A local human rights committee existed in Mazar-i-Sharif. Training courses were envisaged for both high- and low-level judges during the coming year. Both civil and criminal cases were first dealt with by the investigator's office and then by the prosecutor. Legal counsel was made available. The Special Rapporteur asked whether conflicts arose between the judicial and tribal systems and was informed that in general, customary laws were not incompatible with the Shariah and that customary law could be applied in cases not regulated by Islamic law. The authorities in

the northern part of the country functioned principally at the district and provincial levels. The Special Rapporteur was informed that the administration of justice in areas outside Taliban control was sometimes in the hands of local commanders and was often summary. The Special Rapporteur was informed that, owing to the economic situation, stealing to survive was on the rise in the northern part of the country.

36. An independent lawyer told the Special Rapporteur that looking for law in Afghanistan was like trying to catch the only fish in a huge sea and that people did not even think of being preoccupied with whether laws were applied or not. He said that the old criminal code was still being applied, with specific penalties for the so-called hudud crimes of Islamic law, such as the amputation of a limb for theft, killing or quisas for homicide and stoning for adultery. Penalties for offences such as smuggling were not prescribed and were to be determined by the judge on the basis of the evidence presented. The lawyer indicated that the security situation had improved since the Taliban had come to Kabul and that there was no corruption or theft in offices.

IV. SPECIFIC HUMAN RIGHTS PROBLEMS IN AFGHANISTAN

A. Civil and political rights

1. Summary or arbitrary executions

37. The Special Rapporteur has already mentioned the alleged execution in Herat in July 1996 of some 30 to 50 persons from the Panjshir who were supporters of former President Rabbani. He also deplored the abduction and subsequent summary execution of the former President of Afghanistan, Mr. Mohammed Najibullah, and his younger brother. Summary executions reportedly continued during the period under review. Allegations have been made that some 20 persons were executed by the Taliban forces in the vicinity of Kabul in October 1996. Persons from Badghis province who found refuge at the Shahidahi camp near Herat which the Special Rapporteur visited in January indicated that killing and rape by the forces of General Dostom were taking place there.

2. Retaliation and individual acts of revenge

38. An act of revenge with possible political motivations took place in September 1996 when several members of the Nangarhar shura were killed in the context of developments in the area and possibly because of family and tribal grudges dating further back. Tribal and family disputes involving loss of life have taken place in that part of the country in the past. It has been alleged by the Taliban authorities that most of the recent bombing raids on Kabul during which numerous civilians were killed amounted to retaliation for the losses incurred by the opposition alliance on the front lines. On 6 January, the governor of Kabul stated that the Taliban would execute by hanging persons belonging to the opposition alliance who were in their custody in retaliation for the bomb explosion in a Kabul marketplace on 5 January 1997 in which several persons were killed.

B. The right to life and physical integrity

1. Torture and other cruel, inhuman or degrading treatment

39. In general, allegations of torture and ill-treatment have been made by both parties to the Afghan conflict during the current reporting period and concern in particular the treatment of prisoners of war as well as abuses against persons who have fled the areas near the front lines. The Taliban representatives who met with the Special Rapporteur alleged that particularly harsh interrogation methods were applied by the forces of commander Massoud.

40. The "Department for enforcement of right Islamic way and prevention of evils" (religious police), reported to be directly accountable to the Taliban supreme leader, Mullah Omar, and independent of other governmental organs, was established recently. Clerics belonging to the department hold discussions before issuing edicts. The Taliban authorities have issued decrees (see appendices) whose enforcement appears to have been entrusted predominantly to this department which is reportedly empowered to carry out beatings of offenders on the spot in certain cases. Its representatives have patrolled the streets and have entered houses and shops searching for forbidden items. Numerous actions were described as amounting to cruel and degrading treatment and punishment. For example, three persons were beaten publicly for smoking hashish in Jalalabad and a dozen men were arrested for gambling and were taken through the streets of Kabul with blackened faces and money pinned to their clothes.

41. Before the creation of the religious police, the behaviour of some members of the Taliban forces, in particular in Kabul and Herat, amounted to cruel and degrading treatment and punishment. A number of women in Kabul whose veils were deemed insufficiently long were reportedly beaten on the street with chains. During his visit to Herat, the Special Rapporteur was informed that a woman's arm was broken in two places for no apparent reason while she was shopping in a marketplace. He was also informed about the women who participated in the peaceful demonstration in Herat to protest against the closing of female bathhouses who were severely beaten and doused with water from a fire hose. In addition to chains and whips, people were allegedly also beaten with water hoses filled with pebbles. It was reported that entire busloads of men in Herat, selected completely at random, had their hair cut in public by the Taliban who sometimes had long hair themselves. When embroidery on men's garments was outlawed in Herat, some men were stopped at random on the street and the embroidery on their clothes cut out.

(a) Capital punishment

42. Persons have continued to be sentenced to death in Afghanistan and public executions have continued to take place during the current reporting period. Executions in all parts of the country are said to be carried out in accordance with Islamic law. It has been alleged that summary trials, some lasting only a few minutes, have been conducted in areas under the control of the Taliban which have resulted in capital punishment. In his report to the General Assembly, the Special Rapporteur mentioned the case of a man and woman who were stoned in public for adultery in Kandahar in July 1996. The Special

Rapporteur was informed that under Islamic law, charges of adultery had to be substantiated by four witnesses to the act. Suspicion was expressed that the trial and ensuing sentence may have been the result of denunciation motivated by personal revenge. Two men were executed on charges of rape and murder in November in Kandahar. A man accused of homicide was publicly executed in Kabul in December in accordance with the quisas punishment which may be carried out by a relative of the victim. A man accused of killing four persons was publicly executed in Herat on 27 December 1996.

43. During his past visits to the area, the Special Rapporteur was informed that important decisions concerning measures implemented by the Taliban were taken by the members of the Council of Religious Scholars in Kandahar. The Special Rapporteur met with the chairman of the Council in January 1997 who informed him that Muslims respected human dignity in accordance with Islam and that executions were carried out in order to save humanity from criminals. He indicated that if someone stole, their hand would be cut off and that the security of thousands of people would be ensured as a result. If a person committed adultery, they would be stoned to death since this rule had been revealed by Allah. The chairman told the Special Rapporteur that the Taliban movement was created with the aim of bringing peace and protecting the everyday life of the community and of the people.

(b) Corporal punishment

44. The Shariah courts established by the Taliban have continued to pronounce sentences of amputation of the hand or foot for theft, reportedly often after summary trials. Opinions continue to be expressed that such practices are incompatible with the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which has been ratified by Afghanistan.

45. During his visit, the Special Rapporteur took up this issue with various interlocutors on several occasions. During his meeting with officials of the judicial system in Mazar-i-Sharif, the Special Rapporteur asked whether stonings and amputations had been carried out in the northern part of Afghanistan. He was informed that thus far it had not necessary to apply such punishements to date.

46. In Kandahar, the Special Rapporteur was told by the governor that the punishments to prevent theft such as the cutting off of hands were to prevent the recurrence of such crimes and to preserve the property and well-being of people. Torture was not practised and detainees were treated in accordance with Islamic teachings and human rights, but the opponents of the Taliban did resort to the practice. Stonings and amputations were carried out in order to protect the human rights and larger interests of the population in accordance with Islamic principles and hundreds of thousands of people benefited. Amputation practised on an inveterate thief was a deterrent for the population at large since beating and imprisonment would not deter him and Islamic teachings prescribed amputation for habitual theft. This was a major deterrent which had proven its effectiveness in the society.

47. Two persons are alleged to have been beaten to death in Kandahar in December 1996. The Taliban leader, Mullah Omar, is reported to have indicated that Shariah did not permit such punishment.

48. The Special Rapporteur agrees with the views expressed by the Special Rapporteur on the question of Torture in paragraphs 3 to 11 of his report to the Commission on Human Rights at its fifty-third session (E/CN.4/1997/7), namely that "corporal punishment is inconsistent with the prohibition of torture and other cruel, inhuman or degrading treatment or punishment ..." (para. 6) and that "[p]unishment is, after all, one of the prohibited purposes of torture" (para. 8). The Special Rapporteur on torture indicated that "As there is no exception envisaged in international human rights or humanitarian law for torturous acts that may be part of a scheme of corporal punishment, the Special Rapporteur must consider that those States applying religious law are bound to do so in such a way as to avoid the application of pain-inducing acts of corporal punishment in practice" (para. 10). He drew attention to the axiomatic doctrine that a State may not invoke the provisions of its national law to justify non-compliance with international law and stressed that corporal punishment is plainly prohibited in the context of non-international armed conflict by Additional Protocol II to the Geneva Conventions.

C. The right to liberty and security of the person

1. Arbitrary arrest and detention

49. In his report to the General Assembly, the Special Rapporteur mentioned allegations that persons suspected of being sympathizers of or cooperating with the former Government in Kabul had been arrested arbitrarily by the Taliban forces. Reports were received that members of the Panjshiri community had been particularly targeted during the house searches for such persons.

50. In November 1996, several national staff of UNHCR were abducted and arrested by Taliban forces in Kabul. All were later released without charges. A member of the UNICEF national staff in Herat and her father were arrested on their way to board a United Nations aeroplane and were subsequently detained. Two female Afghan staff of a non-governmental organization were taken to a police station in Kabul, held for several hours and reportedly obliged to sign a statement that they would not enter the offices of a non-governmental organization. In January 1997, an Afghan UNOCHA staff member was arrested in Kandahar for not observing Ramadan and was detained for three days.

2. Situation of prisoners of war

51. It has been reported that both sides in the Afghan conflict hold several hundred prisoners of war. The Special Rapporteur was informed that a number of Pakistani citizens were being detained by the forces of commander Massoud. He was informed by the Taliban authorities in Kabul that the persons captured in battle would be detained and treated in accordance with Islamic rules, would not be subjected to torture or ill-treatment, would receive proper food, and that their families would be informed about their detention. A governmental commission had been set up to investigate the situation of prisoners, including their conditions of detention and treatment by the police and security authorities. The governor of Kandahar informed the Special

Rapporteur that numerous prisoners of war were detained in the city and were being treated humanely, not subjected to torture and could receive visits. He indicated that the prison was like a madrasa (religious school) where prisoners received religious instruction.

52. The Taliban are reported to have arrested some 200 fighters of the opposition alliance in the vicinity of Bagram airbase in December. When he visited the recently renovated central prison in Kandahar in January, the Special Rapporteur was informed that some 135 prisoners had been brought recently from the front line near Kabul and that 150 were brought to Kandahar after the takeover of Kabul; the remainder had been there before. Some 35 prisoners belonged to the forces of General Dostom. The majority of the 750 inmates were prisoners of war, while the rest were common law prisoners. Nine to 18 persons shared a cell, depending on its size. The Special Rapporteur did not observe any facilities for heating and was told by the director that the prison diet consisted of beans, potatoes and bread; soap was also provided. Visitors were allowed to bring food but women were not allowed to enter the prison. Exchanges of prisoners from Kabul with the opposition forces had taken place. Some of the prisoners, who appeared rather fearful, complained, however, of overcrowding and insufficient food.

53. During his visit to Mazar-i-Sharif, the Special Rapporteur was informed by the representatives of the judicial system that numerous prisoners of war, especially those from the Jamiat Islami political party headed by former President Rabbani, were freed when he joined the Supreme Council for the Defense of Afghanistan in October 1996.

3. Situation of political prisoners

54. It has been reported that whenever the Taliban would take over an area, they would free all prisoners from the detention centres. The authorities run central jails in all of the country's main cities. The Special Rapporteur was informed that the Pul-i-Charkhi prison located on the outskirts of Kabul was no longer used as a detention centre. It has been alleged, however, that persons continue to be detained in houses, especially in Kabul. During his visit to the city, the Special Rapporteur was informed by the Attorney-General that given the rapidly declining crime rate, prisoners were not kept in large jails but in small places around the city, "like guesthouses", which were few in number.

4. Amnesty decrees

55. In paragraph 69 of his report to the General Assembly, the Special Rapporteur indicated that the Taliban authorities had announced that amnesty would be granted to persons who surrendered to them, that no revenge would be taken and that the lives and property of the citizens would be protected. This does not appear to have been the case.

D. Kidnapping and disappearances

56. During his visit to Mazar-i-Sharif, the Special Rapporteur raised with the authorities the issue of the disappearance and abduction of girls in the northern part of the country. He was informed that the presidency and the

criminal courts had not been informed officially of any such cases. The possibility that some girls might wish to elope if not satisfied with their father's choice of prospective husband was mentioned. The representatives of the judicial authorities informed the Special Rapporteur that cases of kidnapping would be dealt with by special courts and attorneys since they would be considered crimes against internal and external security. Most kidnappings were for ransom and could entail sentences ranging from 5 to 15 years' imprisonment.

57. In the course of his discussions with the governor of Kandahar, the Special Rapporteur was informed that some 100,000 persons had disappeared during the 18 years of the Afghan conflict and that none had been traced.

E. Other civil and political rights

1. The freedoms of thought, expression, peaceful assembly and association

58. The Special Rapporteur was informed that when they took over Kabul at the end of September 1996, the Taliban authorities banned all social institutions. He regretted that the Lawyers' Association of Afghanistan no longer existed.

59. The only radio station broadcasting in Kabul is reportedly Radio Shariat which is operated by the Taliban authorities. The Special Rapporteur was informed that there was only one newspaper in Herat, published by the Taliban. During the current reporting period, attempts have been made to curb the freedom of foreign journalists, some of whom are reported to have been beaten. Control over the media is also said to exist in the northern parts of the country which are under the control of General Dostom. It has been alleged that libraries were only allowed to keep Islamic literature.

60. The Special Rapporteur was informed that the painting of portraits at the Faculty of Fine Arts in Herat had been banned. In addition, portraits were not allowed to be displayed in public, including in photographers' shops. Pictures of women were not allowed to be taken, including by professional photographers. Films, music and television have been banned. However, the Special Rapporteur was able to observe open trucks laden with boxes of new television sets on the streets of Herat.

61. One manifestation of the freedom of expression is the way a person dresses and looks. The restrictions placed by the Taliban movement on the appearance of women have been enforced very strictly, in particular in Kabul and Herat. This was also the case for men with respect to beards, the length and style of hair and, occasionally, embroidery on their garments. The Special Rapporteur was able to observe that most women were veiled in the northern part of Afghanistan.

62. On 21 December 1996, some 150 women are reported to have staged a peaceful demonstration in Herat to protest the closing of bathhouses for women. According to the information received by the Special Rapporteur, the women were severely beaten by the Taliban forces, doused with a fire hose and told that that was their bathhouse. Several women had to be taken to hospitals while some 20 were arrested.

2. Respect for privacy and property

63. After taking over Kabul, the Taliban reportedly carried out house searches looking for weapons, audio and video cassettes, televisions and sound equipment. Contrary to the affirmations of the Taliban that they had brought complete peace and security to the areas under their control, the inhabitants of Herat informed the Special Rapporteur that stealing continued and that people did not feel safe. He was even told about a case where burglars tried to pose as Taliban in order to avoid prosecution. Houses were also searched in Herat for Iranian products, which were banned. The house of a foreign member of a non-governmental organization was robbed in Kabul.

64. Taliban fighters showed flagrant disregard for property in October 1996 when they reportedly burned to the ground some 120 houses in Sar Chesma village north of Kabul, in retaliation against the mostly ethnic Tajik population for reportedly allowing opposition forces to launch attacks from the village.

65. The 1946 Convention on the Privileges and Immunities of the United Nations has been violated a number of times since September 1996: armed men entered the UNHCR offices in Kabul on 5 and 12 November. In addition, a large group of armed men entered the home of the expatriate head of the UNHCR office. Taliban forces reportedly also entered the United Nations staff house in search of Afghan staff members.

66. Disregard for both life and property was shown by both sides currently engaged in the armed conflict in Afghanistan. Rocket attacks and bombing raids, in particular in Kabul and the areas on and around the two front lines, affected mainly civilians and their homes.

67. It was reported in December that the Taliban authorities handed back confiscated agricultural land to farmers in Kunar province.

F. Economic and social rights

1. The right to work

68. Economic activity in Afghanistan has come almost to a standstill. Employment opportunities are scarce in the whole country and have reportedly declined further during the period under review. The rate of unemployment among men is very high. Women currently can work only in the north. In his report to the General Assembly, the Special Rapporteur noted the significant negative effects on the lives of women of the denial of the right to work.

69. As was the case in Kandahar and Herat in 1994 and 1995, respectively, women in Kabul were told not to go to their offices. They were informed that they would continue to receive their salaries at home while arrangements were being made for the introduction of Islamic conditions in the workplace that would allow their re-employment. During his visit to the area, the Special Rapporteur was informed that in Kabul, women had received only one salary after the introduction of this measure, in small denominations which were not accepted in the market. Female former civil servants in Herat whose salaries

were 250,000 afghanis received less than one quarter of their salary, i.e. only 60,000 afghanis, in January 1997, which is considered to be insufficient for survival.

70. A few exceptions were subsequently made in the medical field but hospitals continued to be seriously short-staffed. Many women were too afraid to report to work because groups of Taliban were making the rounds of offices to check whether the prohibition on the employment of women was being enforced. A decree regulating the employment of women in the medical field was issued in November (see appendix II). It called for strict observance of the Islamic dress code and the segregation of female and male co-workers. In December, the head of the department of religious police announced that women would be prohibited from working in public. However, Radio Shariat announced that women would be allowed to work as soon as the security situation in Kabul had improved.

71. The prohibition on the employment of women, who make up at least half of the country's population, has had far-reaching negative consequences on life in Afghanistan in general. It is estimated that there were some 40,000 women in public service in Kabul where the already serious economic situation has deteriorated even further. Women accounted for 70 per cent of all teachers, about 50 per cent of civil servants and an estimated 40 per cent of medical doctors. It is estimated that there are some 45,000 war widows in Kabul, each supporting an average of six dependants. More than 30,000 widows in the city are able to survive only thanks to humanitarian assistance provided by the international community.

72. During his visit to Kabul, the Special Rapporteur was informed that virtually the only possibilities Afghan women had to work were in projects such as quilt-making, sewing, washing laundry and teaching the Koran. Educated women with whom he spoke drew his attention to the fact that this effectively placed them on the same footing with those who were illiterate. The Special Rapporteur was informed that unprecedented numbers of women were currently begging in Kabul. The women with whom he spoke said that the future of Afghanistan depended on the children who were not in school. They entreated him to restore respect for human rights in Afghanistan, especially the rights of women to education and work. Financial assistance for home-based education for girls was also sought, since literacy was required for both men and women in Islam. The United Nations was seen as the only hope. Men in Kabul told the Special Rapporteur that women had absolutely no rights and no other refuge or remedy than to cry. They added that men had no rights either. One man told the Special Rapporteur that the fate of animals in Europe was better than that of people in Afghanistan.

73. The prohibition on the employment of women has had a significant impact on the operations of United Nations agencies and non-governmental organizations employing female Afghan staff and implementing programmes benefiting Afghan women, causing serious disruptions, suspension or considerable scaling down of their activities. In December, Radio Shariat announced in Kabul that Afghan women were not allowed to visit the offices of foreign organizations. A representative of the Taliban authorities stated in December that a committee had been established to examine how women could participate in the public workplace.

74. Afghan staff of international organizations have reportedly faced threats, harassment, beating and arrest. Two women were severely beaten when they left the compound of a non-governmental organization in Kabul. It has been alleged that Afghan female staff were threatened with hanging if they resumed their work with one humanitarian organization. In Herat, even when agreements were reached with the local authorities about the re-employment of female Afghan staff, a number of women were followed and threatened. In general, United Nations agencies were not allowed to re-employ their female Afghan staff in their offices.

75. A number of programmes employing and benefiting women were subsequently resumed upon authorization of the local Taliban authorities, such as a knitting factory employing vulnerable widows, disabled women and widows with children who were in a desperate economic situation working in food-for-work and income-generating projects. A number of national female staff were authorized to monitor activities such as tailoring, poultry management, embroidery, quilt-making, carpet-weaving, bakery and veterinary projects involving women only, who went directly from their homes to the project site and back and communicated with their offices in writing. Some female surveyors were allowed to identify vulnerable widows for food aid distribution.

76. Women in Mazar-i-Sharif expressed concern over the situation of women in areas controlled by the Taliban movement. They held a conference and a demonstration in this connection and addressed a declaration to the United Nations Secretary-General, asking him to pressure the Taliban to reconsider their position on women. Women's councils were functioning in all six provinces of northern Afghanistan. The women with whom the Special Rapporteur met asked why there were no tangible improvements in the situation of human rights, in particular for women, despite years of human rights reporting by the United Nations. They stated that they saw no results from the Special Rapporteur's visits to the region and called for a more serious attitude towards human rights problems by the United Nations.

2. Right to education

77. Afghanistan has one of the highest illiteracy rates in the world, amounting to more than 75 per cent. Female literacy is the lowest in Asia. As was the case in Kandahar and Herat, all girls' schools were closed in Kabul in September 1996 after the arrival of the Taliban. The banning of female education and work has also had a considerable negative impact on the education of boys since some 70 per cent of the city's teachers were women. It has been reported that 63 schools were closed in Kabul and that more than 103,000 girls, 148,000 boys and almost 8,000 female teachers were affected. The remaining schools for boys allegedly offer mostly Koranic studies. In Jalalabad, the authorities announced in January that the Medical College would be reopened only for male students. In February, it was announced that the University of Kabul, where half the student body used to be female, would reopen in March only for male students. Among the first to leave Kabul prior to the entry of the Taliban into the city were educated people who wanted their daughters to have or continue their education as well as a number of university professors, including women. In February, it was announced that girls will not be allowed back to school until there was peace and stability

and a curriculum drawn up by the central Taliban shura had been established. However, a girls' educational programme in the eastern part of the country was reportedly allowed to resume after the school's location was changed. The Special Rapporteur was informed that, in general, men in rural areas were more reluctant to accept female education than men in urban centres. In his report to the General Assembly, the Special Rapporteur expressed regret at the closing of the nursing school in Kandahar. UNICEF has suspended its assistance in the field of education wherever girls' schools were closed.

78. The disruption of education has had extremely serious consequences for mine-awareness programmes since many trainers were women. Subsequently, mine-awareness education for women and girls resumed gradually in a number of localities.

79. During discussions with the director of an orphanage in Kabul, the Special Rapporteur was informed that, in general, Shariah did not permit the employment of women. The girls in the orphanage followed sewing and carpet-weaving courses but were not allowed to leave the building in which they were housed. The director indicated that there was no need for women and girls to do unnecessary things since they should stay at home. Women would be allowed to earn money if they could do it by working at home. He told the Special Rapporteur that girls in Islam should not have more rights than during the Prophet's time.

80. A number of Taliban officials have stated that, in principle, the movement was not against the education and employment of women "in honour and dignity", a right accorded to them in Islam. The Taliban Education Minister reportedly stated that the education of Afghan girls had not been banned but only suspended until a segregated system could be organized. He indicated that according to Islam, the illegal mixing of men and women led to moral corruption. The Taliban made it clear that they are against co-education after the age of nine. Allegations have also been made by Taliban officials that schools and curricula were operating in accordance with the old communist educational system. They also mentioned a lack of money for the reconstruction and rehabilitation of schools; other standard responses were: "we are in an emergency situation", and "when the military situation permits". Some officials have reportedly dismissed the issue as a minor question that would be solved some time in the future.

81. In order to mitigate to the extent possible the absence of education, in particular of girls, in the areas under Taliban control, many female teachers have organized informal, home-based education. Complaints were voiced about the lack of textbooks.

3. Gender-based discrimination

82. The Special Rapporteur's attention was drawn to the general "feminization of poverty" in Afghanistan as a result of women's marginalization stemming from the non-recognition of some of their basic human rights.

83. Among the most serious consequences of gender-based discrimination in the parts of the country under Taliban control is a severe restriction of the freedom of movement of women. Afghan women described it as virtual

imprisonment. Women were asked by the religious police department not to leave their homes without a legal excuse during Ramadan. They have encountered problems moving outside their homes without close male relatives and are also facing restrictions regarding transportation (see appendix I). Women have been banned from going to hotels, including for weddings (see appendix I).

84. The mandatory wearing of the veil has been compounded by the price of burqas which reportedly cost the equivalent of a civil servant's monthly salary. Mobile Taliban units were reportedly patrolling the streets to control the observance of the prescribed dress code. Educated women in the urban areas of northern Afghanistan expressed grave concern over the restrictive measures imposed on women by the Taliban movement, especially in large urban centres which had achieved a certain level of sophistication such as Kabul and Herat, where women have played a prominent role in the culture for centuries. Women in Herat were completely demoralized and indicated that their situation had become worse since the Taliban takeover of Kabul. The Special Rapporteur was spontaneously approached by women on the street in Herat who asked him to free them from their situation and help with the re-opening of bathhouses.

85. One of the most degrading measures with potential serious health consequences was the closing of female bathhouses (hammams). Given the largely destroyed infrastructure in most of the country, hammams used to be the only places where many women could wash in hot water. Medical workers have expressed fears of outbreak or increase in the incidence of scabies as well as gynaecological and respiratory diseases.

86. A number of representatives of Taliban officials have refused to receive female staff of international organizations solely on the basis of their gender. The female United Nations staff assigned to assist the Special Rapporteur in the exercise of his mandate were not received by the Attorney-General of the Taliban authorities in Kabul, reportedly because their faces were not covered and it was the month of Ramadan. They were also not received by the governor of Kabul or by the Council of Religious Scholars in Kandahar. On 22 January, a foreign member of the female staff of an international non-governmental organization is reported to have been beaten in Herat by the Taliban for not wearing a veil.

87. Some Afghan women with whom the Special Rapporteur spoke stated that the Taliban movement did not know anything about religion but just used it as a justification for its actions. They deemed their statements about the resumption of female education and employment as lip service for the benefit of foreigners. Foreign observers have even described the measures taken by the Taliban authorities with regard to women as amounting to gender apartheid. Afghan women told the Special Rapporteur that the United Nations was the only organization which they believed could redress their situation.

88. Whenever he would raise the issue of female education and employment with Taliban representatives in the past, the Special Rapporteur was told that the matter was entrusted to and a final decision would be reached by the Council of Religious Scholars in Kandahar. During his visit to the city in January 1997, the Special Rapporteur met with the chairman of the Council.

He told the Special Rapporteur that "the Holy Koran teaches us that women should stay at home. If they happen to come out, they should be fully covered." When the Special Rapporteur referred to due legal process, the chairman stated "What we implement is the order of almighty God. No human being can think better than God." As regards female employment, the chairman stated, "In other countries they force women to work but in ours the men serve the women and the women stay at home." The Special Rapporteur stated that the future of Afghanistan depended on the quality of its children, both boys and girls, and that separate schools could be established for both sexes in accordance with Islam and the local culture. The chairman indicated that basic education was provided to women at home and that males were taking care of women who did not need employment and higher education. He added, "If we ask them to come out for work, then this is a violation of women's rights. God has limited their right to stay at home" and "If education is required by women, then women can get this education from their brothers and fathers. Female expatriates are not allowed to teach Muslim women. A non-Muslim woman is not allowed to teach or see a Muslim woman." The chairman stated, "Our stand is clear that women should not go out of the house for education and employment."

89. The United Nations High Commissioner for Human Rights issued two statements in which, inter alia, he invited the Taliban leadership to ensure respect for such rights as the right of women to work and the right of girls to education without discrimination. The Secretary-General reiterated the Organization's policy on gender equality, noting that the sort of restrictions reported in Afghanistan would directly contravene the 1995 Beijing Declaration and Platform for Action to which Afghanistan subscribed without reservation. The Special Rapporteur on violence against women expressed earnest concern over persisting reports of violence perpetrated by the Taliban movement against Afghan women and girls and called for the lifting of the ban on women's participation in civil society.

4. Cultural issues

90. The authorities in Afghanistan have indicated their intention to protect the cultural heritage by enacting regulations and expressed their willingness to undertake the restoration of destroyed and damaged cultural sites, in addition to inducing those in possession of cultural artifacts to return them to the governmental authorities. However, looted Afghan cultural artifacts continue to be sold, especially in neighbouring countries, including priceless items bearing the serial numbers of the Kabul Museum. During his visit to Herat, the Special Rapporteur was informed that a Taliban leader had the habit of shooting for recreation at an 800-year-old fortress with a rocket-propelled grenade launcher.

91. The Special Rapporteur visited several important cultural monuments in Balkh province, a center of Zoroastrian, Buddhist and Islamic culture, and was informed that a special commission for the preservation of the cultural heritage had been established, counting among its members representatives of the security and law enforcement authorities, in order to prevent illegal excavation and looting. He was informed that the cultural heritage had suffered from the absence of a central government and that one of the most

urgent needs was the protection of a number of monuments from the elements. The head of the Cultural Affairs Department expressed his gratitude to UNHCR for its assistance with a library construction project.

G. Self-determination

92. Afghans have continued to be prevented from choosing their government in a peaceful and democratic manner. When he raised the question of self-determination with Afghans, the Special Rapporteur was told that human rights in a country can be respected only in peacetime. He was asked to take the message of the Afghans' desire for peace and their desire to achieve self-determination to the world. The Special Rapporteur was told that since two extremes, communism and fundamentalism, had failed to improve the lot of the Afghan people, a third alternative should be considered: the Afghan people and independent Afghan intellectuals, both within and outside the country, who could strive for a legitimate government and the rule of law through political means. The view was expressed that the United Nations and the international community should support such an effort. One concrete way was to create an advisory group for human rights to help Afghan intellectuals in this task and in the creation of educational institutions for future generations.

93. During his visits to the area, the Special Rapporteur noted the extremely important role that could be played in restoring peace and rebuilding Afghan society by educated women and the networks they have established. The Special Rapporteur was impressed by the work of Afghan women's organizations both within and outside the country whose role should be enhanced in building the country's future.

V. SITUATION OF INTERNALLY DISPLACED PERSONS AND REFUGEES

94. It is estimated that there are currently one million persons in Afghanistan who are living away from their homes. The principal cities where internally displaced persons live are Kabul, Jalalabad, Herat, Mazar-i-Sharif and Kunduz. The introduction and strict enforcement of a number of repressive measures by the Taliban movement prompted families who wanted their daughters to get an education, a number of persons associated with the former government, intellectuals, as well as a number of young men fearing forcible conscription, to leave Kabul, either for Pakistan or the north of the country. This and a deteriorating economic situation incited some 50,000 persons to leave Kabul by the end of the year.

95. The opening of a second front in Badghis province gave rise to displacement among specific ethnic groups. A number of ethnic Turkmens fled to Turkmenistan. The majority of persons fleeing the fighting were Pashtoons, who went mainly in the direction of the Taliban-controlled city of Herat. The Special Rapporteur was informed that in the camps for internally displaced persons near Herat, the Taliban authorities treated Pashtoons better than persons belonging to other ethnic groups. A number of non-Pashtoons are believed to have fled to Faryab province. It is estimated that some 50,000 persons have fled Badghis, walking in very harsh winter weather for up

to five or six days. At least 15 people died in November and 50 in December. It is estimated that four children were dying each day of cold and hunger in Badghis at the end of January.

96. Some 20,000 civilians left the Qarabagh district north of Kabul when the front line shifted there in December. In January 1997, the Taliban directly caused internal displacement when they evacuated entire towns and villages north of Kabul for fear of rebellion and in retaliation for lack of support in October by their mostly ethnic Tajik populations. Inhabitants were systematically ordered through loudspeakers to leave their homes for security reasons. Most headed, in very harsh winter weather, often with minimal belongings, towards Kabul where no arrangements for their accommodation were made. Taliban officials stated that they would not allow them to return until all armed people had been disarmed. It is estimated that some 98,000 people have been displaced over the past few weeks.

97. It is estimated that some 1.4 million Afghan refugees remain in Iran and almost 900,000 in Pakistan. In the course of 1996, a total of 8,000 Afghans returned to their country from Iran while 130,000 returned from Pakistan. Approximately 50,000 Afghans had arrived in Pakistan since October 1996, 77 per cent of whom were from Kabul. It has been reported that some recent refugees are living in Peshawar under particularly harsh conditions.

98. For humanitarian reasons, the Special Rapporteur's attention was drawn by human rights organizations to the extremely precarious situation of some 300 Afghan prisoners incarcerated in Pakistan.

VI. HUMANITARIAN CONCERNS

99. Afghanistan is ranked 170th of 174 countries in the United Nations Human Development Index. It is the least developed country in the world outside Africa. Apart from opium poppy cultivation, economic activity has come almost to a standstill. Many Afghans live in absolute poverty without clean water, shelter and basic health services. Almost half the housing stock has been destroyed or damaged during the 18 years of war. The production of agricultural land has decreased by up to 50 per cent. Even the food-producing areas to the north of Kabul have recently sustained serious environmental damage as a result of the fighting. An estimated 57 per cent of the Afghan population suffers from malnutrition and long-term chronic malnutrition is a likely prospect.

100. The economic situation in Afghanistan continues to deteriorate in all parts of the country, with inflation in Kabul ranging from 280 to 400 per cent and soaring to some 560 per cent in the north of the country. Three persons are alleged to have died during demonstrations against price rises in Kunduz province. The Taliban authorities were reportedly not taking any measures to improve the economy. In addition to the restrictions imposed on the employment of women, men are reported to have been paid irregularly and most people are said to barely be able to afford food despite the fact that prices initially fell after checkpoints giving access to Kabul were removed. Numerous children are forced to work to supplement the income of their parents or to survive on their own, including by gathering bones for sale abroad to be made into soap. Most people currently live on bread and tea. Firewood for

one month costs the equivalent of two average monthly salaries. Many men, women and children were observed begging throughout the city. Some 80 per cent of Kabulis live in poverty, with half receiving food aid. Thirty thousand of some 45,000 widows in the city depend on international assistance for survival. Assistance is also provided to a new category of citizen: women whose husbands have had to escape from the city. The number of vulnerable persons in Kabul rose sharply in January and February 1997 as a result of forced displacement from areas to the north of the city. A risk of famine has been reported. In December, the United Nations launched a Consolidated Appeal for Assistance to Afghanistan seeking US$ 133 million for aid programmes to meet urgent needs and to provide essential services to the population.

A. Mines

101. Afghanistan has one of the largest quantities of landmines in the world. Some 10 million mines are scattered throughout its territory and continue to be laid, including in residential areas near the front lines in Kabul. Despite intensive de-mining activities carried out by United Nations agencies and non-governmental organizations, people are killed or injured by mines every day. The banning of female education and employment has significantly increased the danger posed by the mines since many instructors of mine-awareness courses were women. Mine-awareness classes for women have resumed gradually in some parts of the country. Since education for most children in Afghanistan has virtually ceased, many children were killed or injured by mines because they had free time to play outdoors or look for firewood. The number of mine-related injuries increased dramatically in Kabul in October after the Taliban took control of the city, accounting for 37 per cent of deaths and injuries over a six-month period. Hospitals reported that 66 out of the 85 persons killed or injured by mines in Kabul in October were children.

B. Health care

102. The access of the female population of Afghanistan to health facilities decreased after the issuing of decrees concerning the employment and movement of women and the dress code. Some female health workers were allowed to resume work in conditions outlined in a decree contained in appendix II to this report.

103. Afghanistan has one of the highest infant and maternal mortality rates in the world. During his visit in January 1997, the Special Rapporteur visited the Malalai Maternity Hospital, the only maternity and gynaecological hospital in Kabul, where the staff have not been paid for three months. The hospital did not have an ultrasound device and its equipment was at least 20 years old. It could provide virtually no food for the patients and would not be able to repair the electricity generator if it were to break down. The authorities did not provide the hospital with any assistance and it was functioning solely thanks to international aid. The hospital management had the impression that they were not considered to be as important as a hospital that treated war-wounded persons. The Special Rapporteur also visited a mother and child clinic in Kandahar where growth charts and statistics

showing 10 to 13 per cent malnutrition among children could be observed. He was informed that the authorities were unable to provide salaries for 70 midwives trained by UNICEF.

C. Opium production

104. Opium poppy cultivation is the principal economic activity in Afghanistan and the current production of dry opium - more than 2,200 metric tons a year - reportedly equals the combined production of the other three biggest opium producers in the world, with important consequences for the global consumption of heroin. At present, the Taliban movement controls 95 per cent of the opium-producing territory in Afghanistan. Although they officially oppose the production and use of narcotics and have issued decrees banning poppy cultivation, representatives of the Taliban authorities told the Special Rapporteur that it was difficult to encourage farmers to produce other cash crops.

VII. CONCLUDING OBSERVATIONS

105. The Special Rapporteur is greatly encouraged by the importance accorded to human rights issues by the staff of United Nations agencies and international organizations working in the field and by their readiness to undertake and implement programmes aimed at promoting and protecting human rights in Afghanistan.

106. On the basis of his observations and the written and oral information he has received, it does not appear to the Special Rapporteur that the Taliban are at present genuinely interested in arriving at a negotiated political solution to the civil war in Afghanistan. They have shown little willingness to compromise, stating that the precondition for the cessation of hostilities is the acceptance of their version of Islam. A military solution to the conflict aimed at conquering the totality of the territory, on occasion voiced by certain Taliban leaders, appears to be their chosen course of action. This impression is confirmed by the fact that armed hostilities resumed only hours after the United Nations ceased efforts to bring about a cease-fire. The Special Rapporteur is gravely preoccupied by the implications that such an attitude might have for the overall situation of human rights in the country.

107. During his talks with Taliban representatives, the Special Rapporteur was informed that the population had welcomed them wholeheartedly, especially because they had brought peace and security to all the areas they controlled. While a number of his interlocutors appreciated the greater degree of security on the roads and relatively greater security in the cities, when talking to most Afghans the Special Rapporteur did not have the impression that there were no problems of security or that Taliban governance was universally welcomed. On the contrary, the way in which the Taliban authorities have on occasion treated citizens, in particular in Herat and Kabul, seems to have generated considerable resentment towards them. That the Taliban themselves have realized this has been demonstrated in particular by the fact that they have forced entire populations of localities north of Kabul to leave their homes in order to preclude rebellion.

108. The Special Rapporteur expresses concern over the banning by the Taliban of all social institutions whose beneficial role he had come to appreciate during his previous visits to Afghanistan. The case, for example, with the Afghan Lawyers' Association which provided citizens with legal advice free of charge and produced many useful publications, including translations of the principal international human rights instruments.

109. The Special Rapporteur expresses doubts that all judicial proceedings against persons in Afghanistan conformed to international standards for a fair trial.

110. In view of the fact that women are at present barred from education in parts of the country under the control of the Taliban movement, the Special Rapporteur voices his fear that once the current generation of female medical workers in the country retires, there will be a serious shortage of female doctors to treat women. During his conversations about the resumption of female education, the Special Rapporteur had the impression that if it were to resume, women would be encouraged to pursue medical studies only.

111. The most serious problem regarding the protection of women's rights in regions under the control of the Taliban movement is the deprivation of the fundamental human rights to education and to employment. Although he has been informed by the representatives of the Taliban authorities that the Islamic Government of Afghanistan is not against female education, the Special Rapporteur expresses serious doubts about the willingness of the Taliban to allow the resumption of female education and employment in the near future. They have had more than two years to establish security and Islamic conditions for segregated education in Kandahar and more than one year to do so in Herat. His doubts in this regard have been confirmed entirely by the chairman of the Council of Religious Scholars in Kandahar said to be responsible for reaching a decision on the issue, who responded in a clear and succinct manner that any kind of education or jobs for girls and women will not be allowed any time at present or in the future.

112. The Special Rapporteur believes that the future reconstruction of Afghanistan depends to a large extent on the quality of the future generations that will be conditioned by the upbringing and the education they receive. The education of mothers is therefore all the more important in view of their predominant role in raising children. It is also the duty of society to see to it that its children are educated. The Special Rapporteur was greatly impressed by and made keenly aware of the immense potential of the young people in Afghanistan after speaking with the coordinator and members of the NATURE and Rescue Mission environmental projects.

113. The Special Rapporteur expresses concern at the directive issued by the Taliban authorities (see appendix I) whereby boys collecting fares from women on public transportation should be less than 10 years old.

114. The most frequent responses by representatives of the Taliban authorities regarding the resumption of female employment and education have been: "we are in an emergency situation", "when security conditions are restored", "we are in a situation of war and want to restore peace and a centralized government", "until there is peace and stability", the latest one

being "when we are in control". This appears to be at odds with the affirmation of most officials that peace and security have been brought to all areas under their control.

115. The Special Rapporteur has the impression that security, as viewed by the representatives of the Taliban movement, is a precondition to any progress and development in the country. On several occasions when he attempted to discuss acceptable standards of human rights, he was told that any discussion about human rights and international legal obligations was an attempt to interfere with religion, customs and tradition.

116. It has been alleged that the Taliban have been able to make rapid territorial gains in a number of areas with relatively little armed resistance, principally by paying opposition field commanders and their followers vast amounts of money, large even by international standards. The Special Rapporteur has heard such allegations on numerous occasions. Such a situation would be in sharp contrast to the alleged lack of funds and the complete absence of government funding for social services for the population. The Special Rapporteur has the impression that the Taliban authorities are concerned more with military operations than rehabilitation and social development and that the welfare of the Afghan population in areas under their control is left almost entirely to international humanitarian assistance.

117. Acts of looting of the Afghan cultural heritage constitute a clear violation of the laws of war. The trafficking of such artifacts is a legal violation of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and of domestic laws of the countries concerned. The legal responsibility lies with States, museums, and all individuals involved in such activities, by action or omission.

VII. RECOMMENDATIONS

118. Human dignity should be restored in Afghanistan. All Afghan parties should protect all human rights and fundamental freedoms, including the rights of women and children. Afghan authorities should take measures to ensure the effective participation of women in civil society. Women's right to security of person, including the right not to be physically harassed, beaten, or subjected to torture or cruel, inhuman and degrading treatment, should be restored and respected without undue delay. The Taliban authorities should open all bathhouses for women.

119. The United Nations should speak with one voice and apply a single, system-wide policy on the issue of gender equality in accordance with the Organization's stated principles, and the norms and requirements enshrined in the Charter of the United Nations. The United Nations should take an active and consistent approach in dealing with all authorities regarding the gender issue. The rights of female staff must be reaffirmed and ensured and any interference by the authorities in the matter should not be accepted. Human rights of women should form an integral part of the United Nations human rights activities in this region. Any compromise that stops short of this objective should be avoided.

120. The United Nations should strengthen system-wide coordination in order to devise a strategy for the creation of an infrastructure to promote and protect human rights in Afghanistan. Assistance should consistently take into account universally recognized human rights standards and be implemented in the spirit of the Vienna Declaration and Programme of Action. This requires a clearly designed approach, an efficient coordination structure and the willingness of all partners in the humanitarian effort, including NGOs, to cooperate with each other in order to strengthen, rationalize and streamline their activities. The strategy would also address itself to the governmental authorities in all parts of Afghanistan as well as to the Afghan people. Afghans should voice their needs and participate in the design, planning, implementation, monitoring and evaluation of the strategy. Use should be made of the knowledge and experience of successful Afghan community and other structures and networks. The cooperation of financial institutions is crucial.

121. The United Nations should develop a strategy which makes human rights a permanent activity in Afghanistan. Part of this strategy would be a permanent human rights monitoring presence in the field. United Nations agencies working in Afghanistan should reach an understanding among themselves about the strategy they wish to implement in the field of human rights. This could be done through the recruitment of a qualified human rights lawyer who would first train United Nations staff implementing programmes in the field, possibly within the framework of the human rights advisory group which was recently created among United Nations agencies in Peshawar. The next step could be to encompass international and Afghan NGOs, Afghan intellectuals and the Afghan population in general, including the leaders. Use should be made of the enormous Afghan intellectual potential among the highly educated refugees in Peshawar. Feedback from the Afghan population in general should be sought. This would enable the international community in Afghanistan to have clear human rights guidelines along which to formulate their strategies and programmes, cope with the challenges they face and undertake advocacy and educational efforts. The designated person, who would be accorded appropriate financial and logistical support, could serve as a focal point for ensuring a continuous flow of information to the Special Rapporteur.

122. The international community should make efforts to educate persons in authority in Afghanistan about human rights, bearing in mind the local religion, tradition and customs. Measures would include both confidence-building and institution-building, agreed through friendly dialogue and at the initiative of the United Nations and Afghans themselves. The Charter of the United Nations, the Universal Declaration of Human Rights and all important human rights instruments and treaties should be translated into the Dari and Pashtu languages. Human rights awareness should be heightened in both urban and rural areas.

123. While the United Nations acknowledges the significance of local traditions, social norms and culture, these should not take precedence over a country's international obligations to uphold the basic human rights of its citizens, including women's rights to education and employment.

124. The Special Rapporteur believes that certain minimum internationally accepted standards of human rights have to be respected in Afghanistan at all times. The Special Rapporteur is of the opinion that policy statements alone are insufficient to redress a given situation; they must be followed by concrete action and measures. A coherent system of administration of justice should be established which would be in accordance with international human rights norms and the rules of international law.

125. The Special Rapporteur invites the Taliban leaders to suggest how the international community could best help the authorities reach human rights standards that are mutually acceptable. A first step might be the identification of commonly shared values.

126. The Special Rapporteur invites the Taliban leadership to consider successful examples of integrating women in society, in particular with regard to female employment and the enormous successes achieved with segregated education in some Islamic countries.

127. The international community should allocate more funds for education in Afghanistan, including at present for home-based education for girls. Since a lack of available funds was often cited in the Special Rapporteur's discussions about education, he recommends that the United Nations agencies dealing with education allocate additional funds that could cover all educational costs in a given situation. This would include funds for facilities and all other expenses and could be implemented through a pilot project that would provide for the opening of an equal number of schools for boys and girls in a given location, for a trial period. Peace-oriented international curricula should be introduced in schools.

128. The World Health Organization and UNICEF as well as NGOs should examine ways to provide more assistance to the Malalai Maternity Hospital in Kabul and similar health facilities.

129. The Taliban authorities should continue to make efforts to halt the production of dry opium. Further incentives should be provided to farmers in order to induce them to produce substitute crops. The donor community should be generous in allocating funds to the United Nations International Drug Control Programme for this purpose.

130. The Taliban authorities should halt the displacement of populations from the areas north of Kabul and allow them to return to their homes. The authorities should provide accommodation, food and other facilities for those still in Kabul.

131. Priority should be given to domestic and international efforts to preserve and protect the cultural patrimony of Afghanistan and prevent looting and illegal trafficking. The tacit approval by Governments and museums of such practices may amount to "cultural genocide" or to "genocide of the

cultural rights" of the Afghan people. Those in possession of Afghan cultural artifacts should return them to Afghanistan. Museums should check the provenance of artifacts carefully and not purchase items from dealers whose supplies come from illegal excavations and looting.

132. Lawful excavation and restoration of historical sites and monuments should be undertaken with the assistance of UNESCO and qualified experts since poor restoration can result in irreparable damage. Qualified specialists who could be dispatched to sites of illegal excavation at short notice should be hired.

APPENDICES

APPENDIX I

Notice of Department for enforcement of right Islamic way and prevention of evils:

The Department for enforcement of right Islamic way and prevention of evils for the implementation of legal Islamic orders and prophet Mohamad tradition in order to prevent evils which cause serious dangers and problems for Islamic society requests from all pious sisters and brothers to seriously follow 8 articles mentioned below to prevent occurrence of evils:

1. No exit and travelling of sisters without escort of legal close relative (Mahram).

2. Those sisters are coming out of their homes with legal escort should use veil (burqa) or similar things to cover the face.

3. Sitting of sisters in the front seat of cart (gadi) and Jeep (vehicle) without legal relative is forbidden. In the case of appearance serious measures will be carried out against the vehicle and cart rider/driver.

4. Shopkeepers do not have right to buy or sell things with those women without covered face, otherwise the shopkeeper is guilty and has no right to complain.

5. Cars are strictly forbidden to be covered with flowers for wedding ceremony and also is not allowed to drive around the city.

6. Women's invitations in hotels and wedding party in hotels are forbidden.

7. Sisters without legal close relative with them can not use taxis, otherwise the taxi driver is responsible.

8. The person who is in charge of collecting fares (money) for sisters in buses, minibuses and jeeps should be under 10 years old.

The professional delegates of this department are in charge to punish violators according to Islamic principles.

APPENDIX II

(Translation of Order)
Taliban Islamic Movement of Afghanistan
Rules of work for the State hospitals
and private clinics based on Sharia
principles

1. Female patients should go to female physicians. In case a male physician is needed, the female patient should be accompanied by her close relatives (mahram).

2. During examination, the female patients and male physicians both should be dressed with Islamic hejab.

3. Male physicians should not touch or see the other parts of female patients except the affected part.

4. Waiting rooms for female patients should be safely covered.

5. The person who regulates turns for female patients should be a female.

6. During night duty, in the rooms where female patients are hospitalized, a male doctor without the call of patient is not allowed to enter the room.

7. Sitting and speaking between male and female doctors are not allowed. If there be need for discussion, it should be done with hejab.

8. Female doctors should wear simple clothes, they are not allowed to wear stylish clothes or use cosmetics and makeup.

9. Female doctors and nurses are not allowed to enter the rooms where male patients are hospitalized.

10. Hospital staff should pray in the mosque on time. The director of hospital is bound to assign a place and appoint a priest (mullah) for prayer.

11. Staff of (Amri Bel Maroof Wa Nai Az Munkar) Department are allowed to go for control at any time and nobody can prevent them. Anybody who violates the order will be punished as per Islamic regulations.

-Amirul-Mominin Mullah Mohammad
Omer Mujahed

-Mofti Mohammad Masoom Afghani
Acting Minister of Public Health

APPENDIX III

Islamic State of Afghanistan
General Presidency of Amr Bil Marof Wa Nai Az Munkir (religious police)
Administration Department

To: The received letter from the Cultural and Social Affairs Department of General Presidency of Islamic State of Afghanistan No. 6240 dated 26.09.1375 states that:

The role and regulation of Amr Bil Marof Wa Nai Az Munkir is to be distributed via your office to all whom it may concern for implementation.

1. To prevent sedition and uncovered females (be hejab): No drivers are allowed to pick up females who are using Iranian burqa. In the case of violation the driver will be imprisoned. If such kinds of female are observed in the street, their houses will be found and their husbands punished. If the women use stimulating and attractive cloth and there is no close male relative with them, the drivers should not pick them up.

2. To prevent music: To be broadcasted by the public information resources. In shops, hotels, vehicles and rickshaws cassettes and music are prohibited. This matter should be monitored within five days. If any music cassette is found in a shop, the shopkeeper should be imprisoned and the shop locked. If five people guarantee, the shop could be opened and the criminal released later. If a cassette is found in a vehicle, the vehicle and the driver will be imprisoned. If five people guarantee, the vehicle will be released and the criminal released later.

3. To prevent beard shaving and its cutting: To be broadcasted by the public information resources. After one and a half months if any one is observed who has shaved and/or cut his beard, he should be arrested and imprisoned until his beard gets bushy.

4. To prevent not praying and order gathering prayer at the bazaar: To be broadcasted by the public information resources that the prayers should be done on their due times in all districts. The exact prayer time will be announced by the Amr Bil Marof Wa Nai Az Munkir department. Fifteen minutes prior to prayer time the front of the mosque, where the water facilities and possibilities are available, should be blocked and transportation should be strictly prohibited and all people are obliged to go to the mosque. At the prayer time this matter should be monitored. If young people are seen in the shops they will be immediately imprisoned. If five people guarantee, the person should be released, otherwise the criminal will be imprisoned for ten days.

5. To prevent keeping pigeons and playing with birds: To be broadcasted by the public information resources that within ten days this habit/hobby should stop. After ten days this matter should be monitored and the pigeons and any other playing birds should be killed.

6. To eradicate the use of addiction and its users: Addicts should be imprisoned and investigation made to find the supplier and the shop. The

shop should be locked and both criminals (the owner and the user) should be imprisoned and punished.

7. To prevent kite flying: First should be broadcasted by the public information resources advising the people of its useless consequences such as betting, death of children and their deprivation from education. The kite shops in the city should be abolished.

8. To prevent idolatry: To be broadcasted by the public information resources that in vehicles, shops, room, hotels and any other places pictures/portraits should be abolished. The monitors should tear up all pictures in the above places. This matter should be announced to all transport representatives. The vehicle will be stopped if any idol is found in the vehicle.

9. To prevent gambling: In collaboration with the security police the main centres should be found and the gamblers imprisoned for one month.

10. To prevent British and American hairstyles: To be broadcasted by the public information resources that people with long hair should be arrested and taken to the Amr Bil Marof Wa Nai Az Munkir department to shave their hair. The criminal has to pay the barber.

11. To prevent interest charges on loans, charges on changing small denomination notes and charges on money orders: All money exchangers should be informed that the above three types of exchanging money are prohibited in Islam. In the case of violation the criminal will be imprisoned for a long time.

12. To prevent washing clothes by young ladies along the water streams in the city: It should be announced in all mosques and the matter should monitored. Violator ladies should be picked up with respectful Islamic manner, taken to their houses and their husbands severely punished.

13. To prevent music and dances in wedding parties: To be broadcasted by the public information resources that the above two things should be prevented. In the case of violation the head of the family will be arrested and punished.

14. To prevent the playing of music drums: First the prohibition of this action to be announced to the people. If anybody does this then the religious elders can decide about it.

15. To prevent sewing ladies' cloth and taking female body measures by tailors: If women or fashion magazines are seen in the shop the tailor should be imprisoned.

16. To prevent sorcery: All the related books should be burnt and the magician should be imprisoned until his repentance.

The above issues are stated and you are requested, according to your job responsibilities, to implement and inform your related organizations and units.

Regards,

Mawlavi Enayatullah Baligh
Deputy Minister
General Presidency of Amr Bil Marof Wa Nai Az Munkir